



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

RICKY JAMES SHEPARD, <i>also known as</i>	§	
<i>Rickey James Shepard,</i>	§	
Petitioner,	§	
	§	
vs.	§	Civil Action No. 4:21-00818-MGL
	§	
WARDEN, PERRY CORRECTIONAL	§	
INSTITUTION,	§	
Respondent.	§	
	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFF’S PETITION WITHOUT PREJUDICE
AND WITHOUT REQUIRING RESPONDENT TO FILE A RETURN**

Petitioner Ricky James Shepard, also known as Rickey James Shepard (Shepard), proceeding pro se, filed petition pursuant to 28 U.S.C. § 2254.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Shepard’s petition be dismissed without prejudice and without requiring respondent to file a return. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which a specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or

recommit the matter with instructions. 28 U.S.C. § 636(b)(1). The Court need not conduct a de novo review, however, “when a party makes general and conclusory objections that do not direct the court to a specific error in the [Magistrate Judge’s] proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982); *see* Fed. R. Civ. P. 72(b).

The Magistrate Judge filed the Report on April 14, 2021. The Clerk of Court docketed Shepard’s objections to the Report on April 23, 2021. The Court has reviewed the objections, but holds them to be without merit. It will therefore enter judgment accordingly.

Here, Shepard has wholly failed to bring any specific objections to the Report. Instead, he merely makes arguments the Magistrate Judge has already considered and rejected. Inasmuch as the Court agrees with the Magistrate Judge’s treatment of those issues, it need not repeat the discussion here. Consequently, because Shepard neglects to make any specific objections, and the Court has found no clear error, it need not make a de novo review of the record before overruling Shepard’s objections and accepting the Magistrate Judge’s recommendation.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Shepard’s objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court Shepard’s petition is **DISMISSED WITHOUT PREJUDICE** and **WITHOUT REQUIRING RESPONDANT TO FILE A RETURN**.

IT IS SO ORDERED.

Signed this 22nd day of July 2021, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.